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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,567

02/28/2005

Laura Apicella

007511.00017

7426

22907 7590 04/01/2009

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EXAMINER

GORT, ELAINE L

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,567	<b>Applicant(s)</b> APICELLA ET AL.	
	<b>Examiner</b> Elaine Gort	<b>Art Unit</b> 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

It is unclear in claim 1 line 9 regarding what specifically is meant by “data referred to calls”. For purposes of this action it is assumed that Applicant means “data relating to calls”.

It is unclear in claim 1 line 21 regarding what specifically is meant by “dividing the calls according to numbering plans corresponding to said second configuration data according to said first configuration data pertaining to said sites”. For purposes of this action it is assumed that Applicant means dividing the calls according to numbering plans corresponding to said second configuration data “or” according to said first configuration data pertaining to said sites.

### ***Claim Objections***

3. Claim 18 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not be dependent upon another multiple dependent claim (claim 18 is dependent on claim 3 that is a multiple dependent). See MPEP § 608.01(n). Accordingly, the claim 18 has not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claim 1-3 and 15-17, as best understood, are rejected under 35**

**U.S.C. 102(b) as being anticipated by Pirot (WO 00/22792).**

Pirot discloses the claimed system for billing communication costs referred to a corporate telecommunications network located in a plurality of sites (S1, S2, S3, S4) (see abstract), said corporate network comprising:

an interface function (A) with at least one external telecommunications network (PSTN) (page 11 line 21+, dial-up session inherently carried out via a PSTN),

a data communication network (WAN) capable of supporting voice calls in IP-based mode (page 11, lines 21+, VoIP—voice over Internet), and

a database (B) (for example 208 in figure 5) for collecting data (C, D, E) referred to calls via said interface function (A) and calls on said data communication network (WAN),

the system being characterized by the fact that it comprises:

at least one user interface (GUI) (such as the GUI's for the service management 52 and 204 via 210) for selectively producing first configuration data (J) pertaining to

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said sites (S1, S2, S3, S4) (for example: 130 in figure 3, page 14 lines 6+, page 13 line 20+, page 26 14+),

second configuration data (K) pertaining to numbering plans for placing said calls (examples include: page 13, line 19, 110 in figure 3, and page 24 line 3),

and third configuration data (L) pertaining to billing plans for said calls (for example page 26 line 10);

said first, second and third configuration data pertaining both to voice calls and to data calls (abstract),

a classification module (M) for dividing the calls according to numbering plans corresponding to said second configuration data (K) according to said first configuration data (J) pertaining to said sites (S1, S2, S3, S4) (service management system collects call data records and call session tickets are stored in files 214, for example see figure 3, figure 5 and page 29),

a value module (N) for calculating the costs of said calls with reference to .the billing plans corresponding to said third configuration data (L), (J) pertaining to said sites (S1, S2, S3, S4) and to said second configuration data pertaining to said numbering plans (customer care and billing 54, page 18), and

a report generating module for generating reports pertaining to costs of communications placed over said corporate communications network determined by said value module (N), said reports transparently referring both to voice calls and to data calls (billing is based on corresponding policies, page 18, line 12+) .

(Regarding claim 2) a respective database (H) for storing said first (J), second (K) and third (L) configuration data (such as database 214).

(Regarding claim 3) where said classification module (M) classifies said calls according to at least one parameter chosen in the group comprising: source site (S1, S2, S3, S4) of the call, called number, internal or external number of the call respect to said corporate telecommunications network (such as the generation of accounting requests based on called number, page 24 line 2+).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 4, 5, 13, and 14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot (WO 00/22792) in view of Kang (WO 01/97546) and Examiner's Official Notice.**

Pirot discloses the claimed system but is silent regarding where the calls are classified based on being in-site (internal) or between site (external) calls.

Kang teaches that it is old and well known in the art of phone systems to classify and bill calls based on internal and external communications and to have varying rates to cover the costs of communications.

Examiner takes Official Notice that it is old and well known in the art of communications to charge different rates for calls based on where the calls are placed, such as local calls, in-state calls, international calls and wireless phone calls, to charge based on the services provided.

Therefore it would have been obvious to one of ordinary skill to modify the system of Pirot with the internal and external communication and billing rates taught by Kang and the varying of rates based on where calls are placed as taught by Examiner's Official Notice in order to cover for the costs of communications and to charge based on the services provided.

**8. Claims 6-13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirot (WO 00/22792) in view of Honda et al. (US Patent 6,615,260) and Examiner's Official Notice; regarding claim 13 dependent on claim 12, being unpatentable over Pirot (WO 00/22792), Kang (WO 01/97546) and Examiner's Official Notice, as modified above and further in view of Honda et al and Examiner's Official Notice).**

Pirot, or the combination of Pirot, Kang and Examiers Official Notice of above, discloses the claimed system but is silent regarding where the calls are billed based on the number of bytes transmitted, a rate per unit of time, fixed monthly subscriber fee, or a no rate value for a specific time window, double rate window and a rate value for a certain time window.

Honda teaches that it is old and well known in the art of data transmission systems to bill based on bytes transmission, on a rate per unit of time, and/or a fixed

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monthly subscriber fee to cover the costs of the communications (see background of the invention).

Examiner takes Official Notice that it is old and well known in the art of communications to provide varying rates including free calls (such as evenings), lower rates for off-peak times and double or higher rates for high peak time to cover the cost of communications and to encourage calls to be made in lower peak times so less communication access is needed during peak call times to cover for the costs of communications.

Therefore it would have been obvious to one of ordinary skill to modify the system of Pirot with the charging based on bytes transmitted, rate per unit of time, and/or a fixed monthly subscriber fee as taught by Honda et al. and to have rates for different time periods such as double rate for high peak, single rate for non-peak time and free rate for low usage times in order to cover for the costs of communications.

Regarding not charging for inbound calls, Examiner takes Official Notice that it is old and well known in the art of communication billing to not charge users for inbound calls.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Wednesday and Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3687

March 27, 2009